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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

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TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

November 10, 2005

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**FACSIMILE COVER SHEET**

To: Examiner Jennifer N. To  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 571-273-8300

Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Notice of Appeal containing Certificate of  
Facsimile Transmission and Authorization to  
Charge Deposit Account 23-3000 in the  
amount of \$500.00 for the Fee (1 page)

From: Douglas A. Scholer  
Reg. No. 52,197  
Re: U.S. Patent Application  
Serial No. 10/022,982  
Filed: December 17, 2001  
Applicant: William Joseph Armstrong et al.  
Art Unit: 2195  
Confirmation No.: 4230  
Our Ref: IBM/195

Pages: 2 (including cover sheet)

**MESSAGE/COMMENTS  
OFFICIAL**

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*Judith L. Volk*  
Judith L. Volk

*November 10, 2005*  
Date

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PATENT

Attorney Docket No. ROC920010097US1  
WHE Docket: IBM/195  
Confirmation No. 4230**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: William Joseph Armstrong et al. Art Unit: 2195  
 Serial No.: 10/022,982 Examiner: Jennifer N. To  
 Filed: December 17, 2001 Atty. Docket No.: ROC920010097US1  
 For: DYNAMIC DIAGNOSTIC PROGRAM FOR DETERMINING THREAD WAIT TIME

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM  
 THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed August 10, 2005 finally rejecting claims 1-39.

The item(s) checked below are appropriate:

1. ☐ Applicants hereby petition for a \_\_\_\_\_ month extension of time to reply to the final rejection.  
 A check in the amount of \$ \_\_\_\_\_ is attached.
2. ☒ Appeal Fee: XXX Other than a small entity Fee: \$500.00  
 \_\_\_\_\_ Small Entity Status previously Fee: \$ \_\_\_\_\_  
 \_\_\_\_\_ Requested and is still proper  
 \_\_\_\_\_ Small Entity Status Requested Fee: \$ \_\_\_\_\_
3. ☒ Payment  
 \_\_\_\_\_ Check attached for the sum of \$ \_\_\_\_\_.  
XXX Please charge the sum of \$500.00 and any deficiency or credit  
 any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

By: 

Douglas A. Scholer  
 Reg. No. 52,197

Date: 11/10/05

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Judith L. Volk November 10, 2005  
 Judith L. Volk Date

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 IBM Docket ROC920010097US1  
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